

CARDER
35970-071502



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JULY 15, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

- 1. Call to Order--Roll Call.** (Council Member Dowe arrived late.)

The Invocation was delivered by The Reverend D. Keith Beasley, Pastor, Good Shepherd Lutheran Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, July 18, 2002, at 7:00 p.m., and Saturday, July 20, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A RESOLUTION memorializing the late Murray A. Stoller.

Adopted Resolution No. 35970-071502. (6-0.)

File #80-367

Presentation of awards for financial reporting achievements.

3. CONSENT AGENDA

(APPROVED 6-0)

(Item C-3 was withdrawn)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meetings of City Council held on Monday, May 20, 2002, and Monday, June 3, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

C-2 A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from the City Manager requesting a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
(Withdrawn)

- C-4 Qualification of the following persons:

William D. Bestpitch as a member of the Roanoke Valley Area Metropolitan Planning Organization for a term ending June 30, 2005;

Sherman V. Burroughs, IV, as a member of the Fair Housing Board for a term ending March 31, 2003;

Cyril J. Goens for a term ending June 30, 2004, and David C. Key for a term ending June 30, 2006, as members of the City of Roanoke Pension Plan, Board of Trustees;

Frank J. Eastburn and Anna S. Wentworth as members of the Roanoke Arts Commission for terms ending June 30, 2005; and

Barry W. Baird as a member of the Roanoke Valley Greenway Commission for a term ending June 30, 2005.

RECOMMENDED ACTION: Receive and file.
File #110-178-230-326-379-429

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending execution of a 2002-03 Community Development Block Grant Subgrant Agreement with Total Action Against Poverty.

Adopted Resolution No. 35971-071502. (6-0.)
File #226-236

2. A communication recommending acceptance of Juvenile Justice and Delinquency Prevention Title II Grant funds from the Department of Criminal Justice Services for Sanctuary's Aggression Replacement Training and Education Program; and appropriation of \$35,143.00 in connection therewith.

Adopted Budget Ordinance No. 35972-071502 and Resolution No. 35973-071502. (6-0.)
File #60-236-305

3. A communication recommending execution of Amendment No. 2 to the subgrant agreement with "McCray Court Senior Living".

Adopted Resolution No. 35974-071502. (6-0.)
File #178-236

4. A communication recommending execution of lease renewal agreements with Triton PCS Property, Co., L.L.C., and Virginia PCS Alliance, a Virginia Limited Liability Co., also d/b/a/ NTELOS, for use of certain City water tank facilities.

Adopted Ordinance No. 35975-071502 and Ordinance No. 35976-071502. (6-0.)
File #373-383-468-472

5. A communication recommending extension of a lease agreement with Roanoke Valley Swimming, Inc.

Adopted Ordinance No. 35977 on first reading. (6-0.)
File #256-373

6. A communication recommending execution of a Use Agreement with the Commonwealth of Virginia Department of Military Affairs to permit the Virginia National Guard to use the City-owned Armory.

Adopted Ordinance No. 35978-071502. (6-0.)
File #122-373

7. A communication recommending execution of a joint use agreement with the Roanoke City School Board.

Adopted Resolution No. 35979-071502. (6-0.)
File #32-67-467

8. A communication recommending appropriation of \$8 million from bond proceeds in connection with the South Jefferson Redevelopment Area.

Adopted Budget Ordinance No. 35980-071502. (6-0.)
File #53-60-178-540

9. A communication recommending acceptance of a donation from Calvin Powers for a parcel of land containing approximately one-half acre identified as Official Tax No. 3070321, in connection with construction of a multipurpose stadium/amphitheater facility.

Adopted Ordinance No. 35981-071502. (6-0.)
File #68-122-192

10. A communication with regard to revenue and expenses of the Fleet Management Fund for fiscal year 2003.

**Adopted Budget Ordinance No. 35982-071502. (6-0.)
File #60-361**

11. A joint communication from the City Manager and the Director of Finance recommending execution of an Administrative Services Agreement between the City of Roanoke and the Roanoke Valley Detention Commission to provide for continued accounting and payroll services by the City through December 31, 2002, for a fee of \$22,500.00; and to provide for continuation of retirement administrative services for the Commission.

**Adopted Resolution No. 35983-071502. (6-0.)
File #184-305**

12. A communication with regard to a Regional Competitiveness Program.

**Adopted Budget Ordinance No. 35984-071502. (6-0.)
File #9-60-412**

b. DIRECTOR OF FINANCE:

1. A report recommending adoption of ordinances to reappropriate funds into the current year budget in order that certain encumbrances may be properly liquidated.

**Adopted Budget Ordinance Nos. 35985-071502, 35986-071502, 35987-071502, 35988-071502, 35989-071502, 35990-071502, 35991-071502, 35992-071502, and 35993-071502. (6-0.)
File #60**

7. REPORTS OF COMMITTEES:

- a. A report of the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request.

**Adopted Budget Ordinance No. 35994-071502. (6-0.)
File #60-467**

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Wyatt distributed information with regard to the Elementary and Secondary Education Act, the President's "Leave No Child Behind" bill, which involves financial and other implications for localities.
File #60-137-467**

**Council Member Bestpitch commended the Mayor for his statement as reported in a recent article of The Roanoke Times regarding the lack of involvement by politicians at this point in the development of an agreement between Roanoke City and Roanoke County for a regional water authority. He concurred in the Mayor's remarks that this is the time to trust the City Manager and her staff and the County Administrator and his staff to work out the necessary details and advised that in the near future, Council Members will have an opportunity to be involved in the process.
File #468**

Council Member Cutler referred to conversations with elected officials from Roanoke County and Bedford County, who are supportive of a regional approach to a water authority, and advised that he looks forward to participating in the process at the appropriate time.

File #468

Council Member Carder requested that the City Manager present a measure for consideration by Council in support of efforts of the Fifth Planning District Regional Alliance: Regional Economic Strategy, with regard to a regional economic development policy.

File #450

Council Member Carder addressed issues facing Virginia localities and Virginia's First Cities Coalition, specifically tax restructuring, personal property and Business and Professional License taxes, replacement revenues, and the importance of educating citizens at the local level on State funding implications.

File #60-79-550

Council Member Wyatt referred to HB 599 revenue that the State has given and taken away on several occasions, and advised that simply because the Commonwealth of Virginia states that it will replace revenue does not provide a guaranteed revenue stream.

File #5-60-137

Council Member Cutler advised that it was noted at the Newly Elected Officials Conference sponsored by the Virginia Municipal League in Charlottesville, Virginia, on July 10 - 12 that the States of Mississippi and Alabama spend more per capita on education than does the Commonwealth of Virginia.

File #60-467

Council Member Bestpitch inquired as to what percentage increase in the overall State income tax would be required to make up the difference if the General Assembly eliminates the personal property and the Business and Professional License taxes.

File #60-79

Vice-Mayor Harris inquired about the status of litigation previously discussed by Virginia's First Cities Coalition; whereupon, the City Manager advised that the option is still in the process of evaluation. Vice-Mayor Harris advised that Council should proactively involve the City's legislative delegation so that legislators will be aware of the amount of funds that personal property and BPOL taxes generate for the City of Roanoke. He suggested that the matter be addressed by the City's Legislative Committee.

File #79-137-550

Mr. Harris referred to the resignation of William E. Skeen as a Trustee of the Roanoke City School Board, effective July 24, 2002, and called attention to the following schedule proposed by the City Clerk to fill the position:

| | |
|--------------------|--|
| July 18 | - Advertise for applications |
| August 1 | - Deadline for receipt of applications |
| August 19 | - Public hearing |
| September 3 | - Appointment by Council to fill the unexpired term |

File #110-467

The Mayor advised that on July 25, at 7:30 a.m., he will present the State of the City Address at the Wyndham Roanoke Airport Hotel, sponsored by the Roanoke Regional Chamber of Commerce, and encouraged those persons interested in attending to call the Chamber of Commerce or the City Clerk's Office.

File #525

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.**

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

The City Manager expressed appreciation for the support of the Mayor and Members of Council by permitting the administrations of Roanoke City and Roanoke County to address the regional water authority issue, and advised that both the City Manager and the County Administrator believe that there will be a favorable outcome for the citizens of the Roanoke Valley.

File #467

The City Manager referred to Regional Competitiveness funds which were appropriated earlier on the agenda, and advised that once again, the City of Roanoke and Roanoke County have participated in a joint funding relationship that will provide for engagement of a consultant to help improve air service for the Roanoke Valley region.

File #9-60-412

The City Manager introduced the Director of Planning, Building and Development, R. Brian Townsend, who officially assumed his duties on Monday, July 15, 2002.

File #184-200

The City Manager advised of the death of Elaina Loritts, who was a champion for neighborhoods and served on the City's Fair Housing Board and the Roanoke Neighborhood Partnership Steering Committee, on Sunday, July 14, 2002.

File #367

CERTIFICATION OF CLOSED SESSION. (7-0)

THE MEETING OF COUNCIL WAS DECLARED IN RECESS AT 3:58 P.M. TO BE RECONVENED AT 5:00 P.M., IN ROOM 159.



***CITY COUNCIL/ARCHITECTURAL REVIEW BOARD
JOINT MEETING***

5:00 P.M.

***EMERGENCY OPERATIONS CENTER
CONFERENCE ROOM***

AGENDA

1. Introduction and General Comments. Robert N. Richert, Chair, Architectural Review Board.
2. Zoning/historic districts in Cotton Mill/Jefferson Center area and a area north of The Hotel Roanoke.
3. Regulation of work in City rights-of-way.
4. Application fees.
5. Developing Architectural Review Guidelines for new materials.
6. Other Business.

THE CITY COUNCIL MEETING WAS DECLARED IN RECESS AT 6:40 P.M., TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JULY 15, 2002
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. (Council Member Carder was absent.)

The Invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTv Channel 3 to be replayed on Thursday, July 18, 2002, at 7:00 p.m., and Saturday, July 20, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Continuation of a public hearing on the request of Robert Evan, L.L.C., that a portion of Hite Street, S. W., extending from the southerly end of the existing cul-de-sac in a southerly direction to the northerly line of the right-of-way of U. S. Route 220 in the City of Roanoke, be permanently vacated, discontinued and closed. Edward A. Natt, Attorney, Spokesperson. (The public hearing was tabled at the June 17, 2002 meeting of Council.)

**Adopted Ordinance No. 35995-071502, as amended. (6-0.)
File #514**

2. Continuation of a public hearing with regard to the lease and renovation of certain City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., subject to certain terms and conditions. Darlene L. Burcham, City Manager, Spokesperson. (The public hearing was continued at the July 1, 2002 meeting of Council.)

**The public hearing was continued indefinitely.
File #32-166-207-373**

3. Public hearing on the request of Structures Design/Build, L.L.C., representing Franklin Road, L.L.C., that a 0.717 acre portion of excess right-of-way of Franklin Road, S. W., adjoining Official Tax No. 1300101, be permanently vacated, discontinued and closed. Steve S. Strauss, Manager, Structures Design/Build, L.L.C., Spokesperson.

**The public hearing was continued until the regular meeting of Council on Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard. The matter was referred to the City Manager to address issues with regard to price of the right-of-way and incorporation of acceptable language in official documents to provide for minimizing the degree of the cut of the land.
File #514**

4. Public hearing on the request of Kitina A. Gimbert and Sue E. Harrison that a certain unopened portion of Whitman Street, S. E., from the southerly boundary of Arbutus Avenue, between parcels of land identified as Official Tax Nos. 4151207 and 4160301, to the boundary of property acquired for the Roanoke River Flood Reduction Project, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager, Spokesperson.

**Adopted Ordinance No. 35996-071502. (6-0.)
File #514**

5. Public hearing on the request of the City of Roanoke that a proposed 30-foot public right-of-way, known as Mason Mill Road, N. E., extending from the southerly boundary of Official Tax No. 7230101 to the northerly boundary of said parcel, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager, Spokesperson.

**Adopted Ordinance No. 35997-071502. (6-0.)
File #514**

6. Public hearing on the request of the City of Roanoke to convey City-owned property located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., to Blue Ridge Housing Development Corporation, in connection with establishment of a housing assistance program for City employees. Darlene L. Burcham, City Manager, Spokesperson.

**Adopted Ordinance No. 35998-071502. (6-0.)
File #166-178-184**

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

1. **Ms. Teresa Minton, 1613 Kenwood Boulevard, S. E., expressed concern with regard to water issues; i.e.: previous Councils have not addressed the water situation as a top priority; the prohibition of using water to wash personal vehicles, resulting in the need to use the services of local car wash establishments; she is not permitted to pressure wash a natural wood porch at her residence to prevent deterioration; she has spent hundreds of dollars on landscaping which cannot be watered; the plight of senior citizens who have planted gardens to supplement their food supply and their crops will be lost without water, which translates into more money that they will be required to spend on groceries, many of whom are on a fixed income; senior citizens and disabled persons who cannot physically carry gallons of water from non-potable water locations established by the City for watering purposes; and confusion with regard to information that was contained in a recent City publication regarding water usage exceptions.**

File # 468

Mr. Robert D. Gravely, 619 Hanover Avenue, N. W., expressed concern with regard to night clubs in the downtown Roanoke area where black males are being searched and questioned about the style of their clothing. He inquired as to why the sign reads "Southwest Incorporated" when Gainsboro is located in the northwest section of the City, and the spelling of "Gainsboro" is incorrect. He called attention to the need to work with the Department of Housing and Urban Development to purchase homes that are in good condition for rent or purchase by low income persons which will also generate more revenue to the City through real estate taxes. He stated that wages for employees of the City of Roanoke have fallen behind, young adults do not have the jobs they need to earn a decent living, and the City should do more to help people as opposed to business.

File #66